

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and STATES
of the UNITED STATES, ex rel. PATRICK
DONOHUE,

Plaintiff-Relator,

- against -

RICHARD CARRANZA, in his official capacity
as the former Chancellor of New York City
Department of Education, et al.,

Defendants.

Case No. 1:20-CV-5396 (GHW) (SDA)

**NOTICE OF MOTION TO DISMISS THE SECOND AMENDED COMPLAINT OF
RELATOR PATRICK DONOHUE
BY DEFENDANTS:**

**NEW YORK CITY DEPARTMENT OF EDUCATION AND RICHARD CARRANZA
AND MEISHA PORTER, IN THEIR OFFICIAL CAPACITIES AS FORMER
CHANCELLORS OF THE NEW YORK CITY DEPARTMENT OF EDUCATION;
BOARD OF EDUCATION OF THE CITY OF CHICAGO AND JOSE M. TORRES, PHD,
IN HIS OFFICIAL CAPACITY AS FORMER SUPERINTENDENT OF THE BOARD OF
EDUCATION OF THE CITY OF CHICAGO; AND
LOS ANGELES UNIFIED SCHOOL DISTRICT AND AUSTIN BEUTNER, IN HIS
OFFICIAL CAPACITY AS FORMER SUPERINTENDENT OF THE LOS ANGELES
UNIFIED SCHOOL DISTRICT**

PLEASE TAKE NOTICE THAT Defendants New York City Department of Education and Richard Carranza and Meisha Porter, in their official capacities as former Chancellors of the New York City Department of Education, Board of Education of the City of Chicago (identified as Chicago Public School District in the Second Amended Complaint) and Jose M. Torres, PHD, in his official capacity as former Superintendent of the Board of Education of the City of Chicago, and Los Angeles Unified School District and Austin Beutner, in his official capacity as former Superintendent of the Los Angeles Unified School District, by its undersigned attorneys, will move this Court on a date set by the Court or as soon thereafter as counsel can be heard, for

an Order dismissing the Second Amended Complaint (ECF No. 19) of Relator Patrick Donohue, in its entirety, pursuant to Federal Rules of Civil Procedure 9(b), 12(b)(6), 12(b)(3), and 12(b)(2). This Motion is based on this Notice of Motion, the accompanying Memorandum of Law, the Declaration of Joseph V. Willey, and accompanying exhibits filed herewith, the pleadings and papers filed in this action, and such further argument and matters as may be offered at the time of the hearing of this Motion. Defendants request oral argument, and reserve the right to submit a reply.

Dated: New York, New York
June 30, 2022

KATTEN MUCHIN ROSENMAN LLP

By: /s/ Joseph V. Willey

HON. SYLVIA O. HINDS-RADIX
CORPORATION COUNSEL OF THE
CITY OF NEW YORK

By: Stephen Kitzing
Assistant Corporation Counsel
100 Church Street
New York, New York 10009
(212) 356-2087 (phone)
SKitzing@law.nyc.gov

Joseph V. Willey
Alessandra Denis

50 Rockefeller Plaza
New York, New York 10020
(212) 940-8800 (phone)
(212) 940-8776 (fax)
joseph.willey@katten.com
alessandra.denis@katten.com

*Attorneys for Defendants
New York City Department of Education,
and Richard Carranza and Meisha Porter,
in their official capacities as former
Chancellors of the New York City
Department Education*

*Attorneys for Defendants
New York City Department of Education and its
former Chancellors in their official capacities,
Richard Carranza and Meisha Porter; Board of
Education of the City of Chicago and its former
Superintendent in his official capacity, Jose M.
Torres, PhD; and Los Angeles Unified School
District and its former Superintendent in his official
capacity, Austin Beutner*